



Docket No.: SON-2987  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Ryusuke Nishida et al.

Application No.: 10/551,556

Confirmation No.: 3696

Filed: October 3, 2005

Art Unit: 2625

For: EDITING APPARATUS

Examiner: L. E. Wills

**REQUEST FOR PRE-APPEAL BRIEF PANEL REVIEW OF FINAL REJECTION**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

This request for Pre-Appeal Panel Review is in response to the Final Office Action dated August 28, 2009. Appellants have concurrently filed a Notice of Appeal regarding all outstanding grounds of rejection and will file an Appeal Brief in due course. However, it is anticipated that Panel Review will obviate the need for the filing of a Brief.

**I. The Final Office Action improperly rejects claims 1, 2 and 6 under 35 U.S.C. § 102(b) as being anticipated by Kawahara et al (U.S. Patent Pub. No. 2003/0026592, hereinafter referred to as "Kawahara '592").**

Kawahara '592 fails to disclose, suggest or teach "*a video content creation unit for creating the video content by performing an editing process on the plurality of edit material based on the edit contents of the edit list wherein the video content creation unit creates the video content by executing the editing process after converting the plurality of edit material into a prescribed edit*

*format suitable for the editing process and extracting desired video content of the plurality of edit material based on a plurality of edit point information.”*

Moreover, Kawahara ‘592 fails to disclose, suggest or teach “*an edit list creation unit for creating a new edit list described in the general-purpose data description language based on the editing process executed by the editing processor.*”

The Office Action, however, alleges these features can be found in paragraph [0089], [0091-0092] and [0096] of Kawahara ‘592. This is wholly inaccurate.

Kawahara ‘592 relates to a content forming apparatus and method, an editing list making method, a content making apparatus and method, an editing apparatus and method and an editing information making apparatus and method, used for forming a content in a predetermined format from multiple video and/or audio materials. Specifically, Kawahara ‘592 discloses a means for providing an edit decision list making method of making an edit decision list permitted to form a content with low image deterioration and supporting multiple image data formats with the capability of switching processes from one to another. Kawahara ‘592 also discloses an edit decision list including identification information for identification of a material for use in editing, and a format declare statement for defining a format of at least a certain material.

In contrast, Appellant’s invention can execute editing processes based on various kinds of editing process information described in a versatile edit list and a new edit list can be created according to the editing process, so that a more advanced editing process can be executed regardless of the type of editing apparatus, thus making it possible to realize an editing apparatus capable of executing a more advanced editing process which can be executed by all editing apparatuses, regardless of the type of editing apparatus.

There is no mention of a video content creation unit that creates video content by executing an editing process after converting the plurality of edit material into a prescribed edit format suitable for the editing process and extracting desired video content of the plurality of edit material based on a plurality of edit point information in Kawahara ‘592.

Moreover, there is **no mention** of an edit list creation unit for creating a new edit list based on the editing process executed by an editing processor in Kawahara '592.

Moreover, the nonlinear editing apparatus of Applicant's claimed invention lets an operator confirm the video and sound of the sequence data for nonlinear editing by outputting the sequence data for nonlinear editing from the first display, the second display, and the loudspeaker. In this manner, the operator can execute an editing process while actually confirming the contents of the sequence data for nonlinear editing.

Kawahara '592 does not disclose or even contemplate executing an editing process while actually confirming the contents of the sequence data. Kawahara '592 merely discloses a means for providing an edit decision list making method of making an edit decision list permitted to form a content with low image deterioration and supporting multiple image data formats

Accordingly, Appellant respectfully requests reversal of the rejection of claims 1, 2 and 6 under 35 U.S.C. § 102(b) as being anticipated by Kawahara '592.

**II. The Final Office Action improperly rejects claims 4 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Kawahara '592 in view of Chakravarty et al (U.S. Patent Pub. No. 2002/0175917, hereinafter referred to as "Chakravarty '917").**

Claims 4 and 5 depend from and thus incorporate the features of claim 1, which is neither disclosed nor suggested by Kawahara '592, for the reasons stated above.

Chakravarty '917 concerns computer-implemented or computer-enabled methods for creating, viewing, saving and editing, or storyboarding digital assets. Digital assets that may be storyboarded include, by way of example, digital video, digital audio, etc.

There is **no mention** of a video content creation unit that creates video content by executing an editing process **after** converting the plurality of edit material into a prescribed edit format suitable for the editing process **and** extracting desired video content of the plurality of edit material based on a plurality of edit point information in Chakravarty '917.

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Accordingly, Appellant respectfully requests reversal of the rejection of claims 4 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Kawahara '592 in view of Chakravarty '917.

Dated: December 8, 2009

Respectfully submitted,

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